

OPEN AND SHUT?

Tuesday, November 29, 2005

Struggling with Agnosia

Last week the London-based Royal Society became the latest scholarly publisher to express grave concern over plans by Research Councils UK (RCUK) to mandate publicly-funded researchers in Britain to put their research papers on the Web. With irate publishers on one side, and a sceptical government on the other, will the RCUK be able to push through its radical proposals?

In the latest round of an increasingly bitter dispute over RCUK's draft proposal to require British researchers to make their scholarly articles freely available on the Web, the Royal Society has published a position statement in which it claims that Open Access could have "disastrous" consequences for the research community.

Clearly intended to derail the RCUK proposal, the Royal Society statement cautions against rushing towards "untested and untested" models, claiming that they may not be sustainable, and "could force the closure of existing peer-reviewed journals".

The Royal Society statement was immediately attacked by OA advocates, who denounced it as self-serving, tendentious and obfuscatory.

Profound reason to be ashamed

The opening salvo came from self-styled archivist Stevan Harnad. Posting to the American Scientific Open Access Mailing List (AmSci), which he moderates, Harnad thundered: "The Royal Society's statement is not only ill-informed, failing even to grasp what either Open Access or the proposed RCUK policy is about and for, but it is a statement for which the Royal Society, a venerable and distinguished institution, will have profound reason to be ashamed in coming years."

Harnad went on to accuse the Royal Society of "mixing up what the RCUK is proposing to mandate — which is Open Access (OA) self-archiving of articles published in conventional, non-OA journals — with what it is *not* proposing to mandate, which is publishing in OA journals. (RCUK is merely offering to help cover author costs for publishing in OA journals if they wish to publish in OA journals.)

Mixed up or not, it is nevertheless clear that the Royal Society is claiming that both forms of OA pose a threat to the research process. The problem with OA publishing, it argues, is that OA publishers are "having trouble balancing the books and their long-term survival is not ensured". Self-archiving, on the other hand, is encouraging some authors "to deposit papers in online archives and repositories without submitting to journals for peer review or waiting until they have completed peer review."

As a consequence, the Royal Society says, researchers may "stop submitting papers or subscribing to existing journals", thereby threatening the existence of traditional subscription-based journals.

"The worst-case scenario," it concludes, "is that funders could force a rapid change in practice, which encourages the introduction of new journals, archives and repositories that cannot be sustained in the long term, but which simultaneously forces the closure of existing peer-reviewed journals that have a long-track record for gradually evolving in response to the needs of the research community over the past 340 years. That would be disastrous for the research community."

Nothing to do with the way researchers publish

How seriously should we treat these apocalyptic claims? Not very, it seems. As Harnad pointed out, the RCUK proposal is not intended to stop researchers from using traditional subscription-based journals; nor does it propose they abandon the peer review process: the aim is simply to improve the research process — by ensuring that scholarly papers are freely available on the Web, rather than locked behind the financial firewalls imposed by journal subscriptions.

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"The RCUK self-archiving mandate has absolutely nothing to do with the way researchers publish," insisted Harnad. "They publish exactly as they always did. They merely maximise access to their publications, by self-archiving them, to maximise their usage and impact."

Moreover, he added, claims that self-archiving poses any kind of financial threat to traditional journals simply cannot be substantiated: despite 15 years of self-archiving by physicists, for instance, there is to date no evidence whatsoever that subscriptions to physics journals have been negatively impacted.

All in all, concluded Harnad, it was "Not a proud day in the annals of the Royal Society."

Serious and systematic dialogue

The Royal Society, however, is not the only scholarly publisher predicting disaster if the RCUK proposal is implemented. In August, The Association of Learned and Professional Society Publishers (ALPSP) mounted its own **attack** on it. Writing to the Chair of the RCUK Executive Group, Professor Ian Diamond, ALPSP warned that the RCUK proposal "would inevitably lead to the destruction of journals" and thus to the "whole process of quality control, including (but not limited to) peer review."

In response, a group of researchers, including Harnad and the inventor of the Web Tim Berners-Lee, published an **open letter** rebutting the ALPSP claims.

The same month the International Association of Scientific, Technical & Medical Publishers (STM) also **wrote** to Ian Diamond, complaining that the conclusions behind RCUK's proposal were "precipitous and lack scientific rigour". It suggested, therefore, that rather than mandating researchers, RCUK engage in a "serious and systematic dialogue" with publishers. This too attracted a letter of **rebuttal**.

But will this stream of dire predictions and gloomy prognostications derail the RCUK plan? Or will the rebuttals of OA advocates successfully neutralise them?

Undoubtedly OA stalwarts can out-argue their critics. When one brave member of the Royal Society wandered into the AmSci mailing list to **confront** Harnad, for instance, he was instantly surrounded (virtually that is) by a group of angry OA advocates, including **Harnad** and **Adam Hodgkin**, who quickly saw him off.

The OA movement has also become increasingly adept at managing the press (and many journalists now monitor the AmSci mailing list). Consequently, most news reports covering the Royal Society statement also included the dissenting views of OA advocates. Indeed, when it published its **story** *The Guardian* did so under the headline "Keep science off web, says Royal Society" — an interpretation of their press release that must have sent shivers up the spines of Royal Society staffers.

But while OA advocates are clearly more than effective at publicly countering the self-serving arguments of publishers, can they prevent the RCUK proposal from being throttled in the womb?

For the bigger challenge confronting the OA movement is the continuing scepticism of the British Government — specifically, the mandarins that inhabit the **Department of Trade & Industry**, and their boss **Lord Sainsbury of Turville**, who are responsible for science and innovation in the UK.

Healthy and competitive

To fully understand the turbulent waters the RCUK proposal is having to negotiate we need to remind ourselves of the back story. This begins in December 2003, when the UK Science & Technology Select Committee announced an enquiry into scientific publishing. Seven months later the Committee published a report — **Scientific publications: Free for all?** — which **recommended** that the British Government create a network of institutional repositories, and mandate all publicly-funded researchers to deposit a copy of their articles in these repositories, thereby making their research accessible to all "free of charge, online."

The outcome was immediately hailed as a successful outcome to **ten years** of OA activism. In their celebrations, however, OA advocates failed to appreciate that Select Committees have no executive power. Their role is not to make things happen, but to scrutinise what the Government is doing (or not doing), and to make recommendations to it. Specifically, the Science & Technology Committee's purpose is to examine "the expenditure, administration and policy of the Office of Science and Technology and the Research Councils."

Given its role as scrutiniser, the Committee's recommendation that the Government support OA was received with about as much enthusiasm as one might receive a request to turn down the stereo system from a much-hated neighbour. Moreover,

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Please note the postscript to this interview here The open-access publisher Dove Medical Press has a controversial past and I have writ...



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Babu Gedela

***Update: On August 26th 2016, the US government (Federal Trade Commission) announced that it has charged OMICS with making false claims, ...



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Community Action Publishing:
Broadening the Pool

We are today seeing growing dissatisfaction with the pay-to-publish model for open access. As this requires authors (or their funders or ins...

publishers had by then begun heavily lobbying the Government — and so had provided it with a string of arguments (ill-founded as they were) to justify rejecting the Committee's advice without seeming unreasonable.

Unsurprisingly, therefore, the Government **declined** to intervene. Characterising the publishing industry as "healthy and competitive", it said that it was "not aware that there are major problems in accessing scientific information" and so did not intend to "intervene to support one model or another". Rather, it said, its strategy would be to "facilitate a level playing field."

Policy framework

In what was presumably intended to be seen as a concession, however, the Government added: "RCUK are currently producing a policy framework on the dissemination and preservation of the information outputs of research. The Government will assess the implications of this advice once it has become available."

The message seemed to be that while the Government saw no need for action, it was happy for RCUK to explore ways of improving the dissemination of research.

Committee members were furious; moreover, convinced that the DTI intended to lean on RCUK in order to get the result it desired they **accused** the Government of seeking, through the DTI, to exert pressure on dissenting voices. Specifically, they charged the DTI with forcing the **Joint Information Systems Committee** to amend its response to the Committee's report.

In a statement published on 1st November 2004, the Committee said: "It is clear to us that, in the Government Response, DTI has sought to neutralise some of views put forward by the Joint Information Systems Committee and other organisations and departments. This will prevent the Government from making any significant progress on this issue."

The chair of the Select Committee, Ian Gibson MP, was particularly irate. "DTI is apparently more interested in kowtowing to the powerful publishing lobby than it is in looking after the best interests of British science. This isn't evidence-based policy, it's policy-based evidence."

RCUK nevertheless went ahead with developing its policy framework, and in June this year it produced a **draft proposal**. To the disgust of scholarly publishers and, no doubt, the surprise of the DTI, this called for mandatory self-archiving, and proposed introducing the mandate in October.

Faced with increasingly hysterical criticism from publishers, and no doubt growing pressure from the DTI, however, the final announcement of the policy was later delayed until November. And as the temperature has continued to rise, so the timetable has continued to slip. A final announcement is not now expected before next year.

Pulling the strings

So has the DTI been seeking to control the outcome, I asked a spokesperson from the DTI press office. "The DTI has not played a role in formulating, or helping to formulate RCUK's position other than responding to their consultation earlier this year", came the response. "The DTI recognises them as experts on the research community, and we will review our position once we have received revised guidance from RCUK."

However, it's hard not to take such statements without a pinch of salt. When Lord Sainsbury gave evidence to the Select Committee on 19th October, for instance, he **told** Committee members that the draft policy put forward by RCUK had required some further development. For this reason, he said "I urged them and the publishers to get together to see if they can formulate a policy as to what that in practice means. Those discussions are taking place and I hope we will soon reach agreement on that."

Rather than waiting for its "experts on the research community" to arrive at a policy framework, Lord Sainsbury's comments would appear to imply that the DTI has taken a very hands-on approach to the matter. Certainly this remains the view of the Science & Technology Committee. "When the inquiry was running, the Committee very much shared your suspicion that DTI was pulling the strings on open access publishing — not RCUK," comments a former clerk in the Science & Technology office. "I'm not aware that the situation has changed since then. [In fact] anecdotally the same problems are still occurring."

I also asked the DTI whether it would it be fair to conclude that officials had not liked the draft proposal, and so had told RCUK to rewrite it. "The DTI suggested to them they may want to speak to publishers and discuss their concerns," the DTI press



Open Access:
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the priorities be
today?

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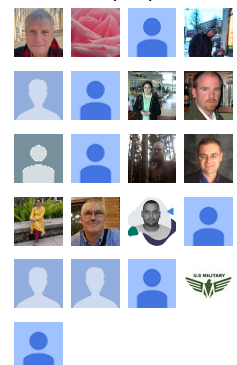
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office replied obliquely. "I understand these discussions, and other discussions with the learned societies are still ongoing, so RCUK have not provided their final position."

Publisher apologists

Interestingly, during the flurry of e-mails on AmSci sparked by the Royal Society statement the most telling comment came from Iain Stevenson, Professor of Publishing Studies at City University, London.

Earlier in the week, he [said](#), he had attended an invitation-only conference sponsored by the DTI aimed at "bringing together stakeholders in the research communication process."

One might wonder why, if it is truly playing no role in helping to formulate RCUK's position, the DTI is sponsoring invitation-only conferences. Indeed, the suspicion must be that it is also seeding such meetings with what Harnad immediately [characterised](#) as "publisher apologists"?

The good news, however, seems to be that — do what it will to control the process — the DTI is struggling to quell the groundswell of support for OA. Complaining at the way the meeting proceeded Stevenson said: "I was deeply disturbed to hear a succession of funders and information managers affirm their faith in OA and repositories as the way forward without — when pressed — having any evidence that this is what the research community (and let us not forget that funders and information managers exist to support the research enterprise not the other way about) actually want."

As it happened, Stevenson's complaint about lack of evidence could be easily [refuted](#). As David Prosser immediately pointed out, the [JISC Disciplinary Difference Report](#), undertaken by [Rightscom](#), has already surveyed the attitudes of UK researchers. This, added Prosser, had found that seventy-four percent of respondents agreed or strongly agreed with the statement "Research funding bodies should mandate all researchers to deposit their results in open archives."

Handicapped?

But jousting with publisher apologists in an online forum is one thing; affecting what happens in the offline world is another. The problem facing the OA movement is that Lord Sainsbury and the DTI appear still to be highly sceptical about the merits of Open Access.

Will they eventually give way to the inevitable? While RCUK is currently reluctant to discuss progress, privately insiders say that they remain hopeful that they can implement a mandate, in some shape or form. They concede, however, that their work is being hampered by the lobbying efforts of publisher organisations, particularly the ALPSP.

Indeed, a glance at the ALPSP [web site](#) gives some sense of the intensity of the lobbying taking place, if only those efforts being publicly acknowledged. Interestingly, the web site also implies that ALPSP has come to accept that a mandate is inevitable. It claims, however, that the organisation has extracted a commitment from RCUK that publishers will be free to impose embargoes. If true, this suggests that even if the mandate is eventually imposed it could be seriously handicapped by publishers insisting on unreasonable time delays before papers can be made publicly available.

Ultimate power broker

So what do we learn from this protracted and painful process? What seems clear is that the DTI has only been listening to one side of the debate. Whether this is because it simply doesn't want to hear the other side, or whether the OA movement has failed to communicate its message effectively we don't know.

It may be that the OA movement has spent too much time rebutting publisher criticism, rather than directly lobbying the DTI — which is, after all, the ultimate power broker here.

It is instructive to compare the current jostling over Open Access with the long-running debate over software patents. When, in 2001, I was commissioned by the DTI to write a guide on the patenting of software I was surprised at the degree to which DTI personnel were shy of offending or alienating the Open Source Movement. Clearly open source advocates had lobbied the department with considerable success, and somehow convinced them of the merits of their case.

Indeed, so effective did open source lobbying efforts prove in Europe that in July European politicians finally [threw out](#) a controversial bill that, had it been passed,

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would have seen a snowstorm of software patenting in Europe — a development that would have posed a significant threat to open source software.

Zero grounds

Is it now too late to make the OA case to the DTI? Harnad is confident that, were he given the chance, he could persuade anyone of the merits of OA.

"If you put me in a room full of people who think they have either legal or logical or financial or practical or ethical grounds for opposing an RCUK mandatory immediate-deposit policy, it will take me fifteen minutes at most to force them to concede that they have no grounds at all," he says. "Not *some* grounds, not weak, indecisive grounds: *zero* grounds."

He adds: "For my own part, I would still be quite willing, despite the odds, to try a chat deep within the bowels of DTI *agnosia*, but no one seems inclined to invite me!"

The question is however: are the DTI courageous enough to take on Harnad? If they were brave enough, what better venue for doing so than the *debate* being organised by the Science & Technology Committee? To be held on December 15th, this will discuss the Committee's report and, inevitably, the draft RCUK open-access policy. It will take place between 2:30 and 5:30 in *Westminster Hall*, London.

Posted by Richard Poynder at [15:20](#)



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